



PUBLIC NOTICE

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DA 03-26

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
PROCEEDING REGARDING THE DEFINITION OF THE RURAL SERVICE AREAS OF TWO
RURAL TELEPHONE COMPANIES IN THE STATE OF COLORADO**

CC Docket No. 96-15

Release Date: January 7, 2003

Comment Date: February 6, 2003

Reply Comment Date: February 21, 2003

This public notice establishes a consolidated proceeding regarding the redefinition of the rural service areas of the following rural telephone companies in the state of Colorado and establishes a pleading cycle:

(1) CenturyTel of Eagle, Inc. The Colorado Public Utilities Commission (Colorado Commission) filed a petition seeking approval of the Colorado Commission's proposal to define each individual wire center of CenturyTel of Eagle, Inc. (CenturyTel) as a separate service area in the state of Colorado.¹ The Wireline Competition Bureau (Bureau) released a public notice seeking comment on the Colorado Commission CenturyTel Petition.² The definition of CenturyTel's rural service area as proposed by the Colorado Commission was deemed approved by the Commission as of November 26, 2002 and will go into effect in accordance with the Colorado Commission's procedures.³ On December 17, 2002, CenturyTel filed an application for review of the Bureau's approval of the Colorado Commission's redefinition of CenturyTel's service area.⁴ In an *ex parte* letter filed on December 30, 2002, CenturyTel also requested that the Commission suspend the Bureau's decision to let the Colorado Commission's

¹ Petition by the Colorado Public Utilities Commission. Pursuant to 47 C.F.R. § 54.207(c), for Commission Agreement in Redefining the Service Area of CenturyTel of Eagle, Inc., A Rural Telephone Company. CC Docket No. 96-45, filed on August 6, 2002 (Colorado Commission CenturyTel Petition).

² See *The Colorado Public Utilities Commission Petitions to Redefine the Service Area of CenturyTel of Eagle, Inc. in the State of Colorado*, Public Notice, CC Docket No. 96-45, DA 02-2087 (rel. Aug. 26, 2002) (Public Notice).

³ See 47 C.F.R. § 54.207(c)(3)(ii). The Bureau did not initiate a proceeding on the Colorado Commission CenturyTel Petition within 90 days of the release of the Public Notice.

⁴ Application for Review, or Alternatively, Petition for Reconsideration of CenturyTel of Eagle, Inc., CC Docket No. 96-45, filed on December 17, 2002 (CenturyTel Application for Review).

redefinition of CenturyTel's service area take effect.⁵

(2) **Delta County Tele-Comm, Inc.** On December 24, 2002, the Bureau initiated a proceeding to consider the Colorado Commission's petition seeking approval of its proposal to redefine the rural service area served by Delta County Tele-Comm, Inc. (Delta County) within Colorado.⁶ The Colorado Commission proposes to define each individual wire center of Delta County as a separate service area.⁷ Because the Bureau initiated a proceeding within 90 days of the release of a public notice on the Colorado Commission Delta County Petition,⁸ the redefinition of Delta County's service area will not take effect until both the Colorado Commission and the Commission agree upon the definition of Delta County's rural service area.⁹

Because they will likely raise similar factual, legal and/or policy issues, the aforementioned matters will be addressed in the same proceeding. Comments are sought on the CenturyTel Application for Review and the Colorado Commission Delta County Petition. Additionally, comments are sought on the CenturyTel *ex parte* request that the Commission suspend the decision of the Bureau to let the redefinition of CenturyTel's rural service area take effect.¹⁰ Parties that have already filed oppositions to the CenturyTel Application for Review or comments on the Colorado Commission Delta County Petition may, but are not required to, resubmit their oppositions/comments.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **February 6, 2003**, and reply comments on or before **February 21, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹¹

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full

⁵ See Letter from Karen Brinkmann, Counsel for CenturyTel, to Marlene H. Dortch, FCC, dated December 30, 2002 at 2-3 (CenturyTel *ex parte*).

⁶ See *Wireline Competition Bureau Initiates Proceeding to Consider the Petition Filed by the Colorado Public Utilities Commission to Redefine the Service Area of Delta County Tele-comm, Inc. in the State of Colorado*, Public Notice, CC Docket No. 96-45, DA 02-3588 (rel. Dec. 24, 2002).

Petition by the Colorado Public Utilities Commission, Pursuant to 47 C.F.R. § 54.207(c), for Commission Agreement in Redefining the Service Area of Delta County Tele-Comm, Inc., a Rural Telephone Company, CC Docket No. 96-45, filed on August 12, 2002 (Colorado Commission Delta County Petition).

⁸ See *The Colorado Public Utilities Commission Petitions to Redefine the Service Area of Delta County Tele-comm, Inc. in the State of Colorado*, Public Notice, CC Docket No. 96-35, DA 02-2383 (rel. Sept. 25, 2002).

⁹ See 47 C.F.R. § 54.207(c)(3)(i); 47 U.S.C. § 214(e)(5).

¹⁰ CenturyTel *ex parte* at 2-3.

¹¹ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

name. **U.S.** Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **All** hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Cara Voth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.